

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
NEW ALBANY DIVISION

CARLIN PROPERTIES MANAGEMENT,
LLC,

Plaintiff,

vs.

R.R. DONNELLY & SONS, INC.,

Defendant.

No. 4:16-cv-00032-TWP-TAB

ENTRY ON JURISDICTION

On March 1, 2016, Plaintiff, Carlin Properties Management, LLC filed a Complaint. ([Filing No. 1.](#)) However, the Complaint failed to allege all of the facts necessary to determine whether this Court has subject matter jurisdiction over this case. On March 21, 2016, in response to this Court's subsequent Entry on Jurisdiction, Carlin Properties Management, LLC filed a supplemental jurisdictional statement. ([Filing No. 9.](#))

The Complaint alleges that this Court has jurisdiction based upon diversity of citizenship. Nevertheless, both the Complaint and supplemental jurisdictional statement fail to sufficiently allege the citizenship of the parties. Citizenship is the operative consideration for jurisdictional purposes. *See Meyerson v. Harrah's E. Chi. Casino*, 299 F.3d 616, 617 (7th Cir. 2002).

In particular, the Complaint does not sufficiently allege the citizenship of each of the members of the members of Carlin Properties Management, LLC. Instead, the supplemental jurisdiction statement merely alleges that the individual members are "residents" of Florida and Kentucky. ([Filing No. 9 at 1.](#)) This allegation of residency is not sufficient to allow the Court to determine whether diversity jurisdiction exists. *See McHanon v. Bunn-O-Matic Corp.*, 150 F.3d

651, 653 (7th Cir. 1998) (“[a]n allegation of residence is inadequate”); *Meyerson*, 299 F.3d at 617 (“residence and citizenship are not synonyms and it is the latter that matters for purposes of the diversity jurisdiction”).

To remedy this error, this Court **ORDERS** the Plaintiff to file a second supplemental jurisdictional statement to sufficiently establish this Court’s jurisdiction over this case. The Plaintiff’s statement must accurately articulate the citizenship of the individual members of Carlin Properties Management, LLC. The Plaintiff’s supplemental jurisdictional statement is due **14 days** after the date of this entry.

SO ORDERED.

Date: 3/22/2016

A handwritten signature in black ink, reading "Tanya Walton Pratt", is positioned above a horizontal line.

TANYA WALTON PRATT, JUDGE
United States District Court
Southern District of Indiana

Distribution:

Theresa A. Canaday
FROST BROWN TODD LLC
tcanaday@fbtlaw.com